

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

RECEIVED

In re)
)
 MEGAGATE BROADBAND, INC.)
 f/k/a CELLULAR XL ASSOCIATES, L.P.)
)
 Petition for Waiver of Deadlines)
 In 47 C.F.R. §§54.307(c), 54.313(d)(3),)
 54.802(a) and 54.809(c))

MAR 30 2004

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

CC Docket No. 96-45

PETITION OF MEGAGATE BROADBAND, INC.
f/k/a CELLULAR XL ASSOCIATES, L.P. FOR WAIVER OF DEADLINES
IN 47 C.F.R. §§54.307(c), 54.313(d)(3), 54.802(a) and 54.809(c)

Megagate Broadband, Inc., formerly known as Cellular XL Associates, L.P.

("Megagate"), by its attorneys and pursuant to Sections 1.3 and 1.925 of the Commission's rules,¹ hereby requests a waiver of the deadlines set forth in Sections 54.307(c), 54.313(d)(3), 54.802(a) and 54.809(c) of the Commission's Rules relating to the submission of annual certifications and quarterly line count information in connection with the distribution of support under the Federal Universal Service Fund so that Megagate may receive support beginning with the first quarter of 2004.² In support of this request, the following is respectfully shown:

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¹ See 47 C.F.R. §1.3; 47 C.F.R. §1.925.

² There is no filing fee associated with this request. See 47 C.F.R. §1.1105.

I. BACKGROUND

Megagate is a small competitive local exchange carrier ("CLEC") that is certified to provide competitive local exchange service in the State of Mississippi. Megagate presently serves customers in the Hattiesburg and Laurel, Mississippi areas, and intends to expand its coverage in the state over the next three years. On June 18, 2003, Megagate submitted an application to the Mississippi Public Service Commission (the "MPSC") requesting designation as an ETC to receive high cost support from the Federal Universal Service Fund with respect to the non-rural service area specified in Megagate's application. On December 29, 2003, the MPSC issued an Order designating Megagate as an ETC in Mississippi. On that same date, pursuant to Section 54.313(d)(3) of the Commission's Rules, the MPSC filed a certification with the Commission reflecting that Megagate had been designated as an ETC within the State of Mississippi.³

II. ELIGIBILITY FOR UNIVERSAL SERVICE SUPPORT FUNDS

Pursuant to Section 214(e) of the Communications Act of 1934, as amended (the "Act"), Megagate became eligible to begin receiving Universal Service support on December 29, 2003, the date that the MPSC granted ETC status to the company.⁴ However, Sections 54.307(c), 54.313(d)(3), 54.802(a) and 54.809(c) of the Commission's Rules establish deadlines for the submission of certain filings that are prerequisites to an ETC's receipt of Universal Service support funds. Specifically, Section 54.313(d)(3)

³ See Attachment A.

⁴ 47 U.S.C. §214(e).

requires that an annual certification be submitted by the state that makes the ETC designation by October 1, 2003 in order for the ETC to commence receiving high-cost support funds in the first quarter of 2004.⁵ And, Section 54.307(c) requires that quarterly line count information be submitted by September 30 and December 30, 2003, in order for the ETC to receive high-cost support funds for the first and second quarters, respectively, of 2004.⁶ With respect to interstate access support, Sections 54.802(a) and 54.809(c)⁷ of the rules require that the ETC submit quarterly line count information by September 30 and December 31, 2003, and a certification regarding its use of support funds at the time it files its first line count in order to receive support beginning the first quarter of 2004. In Megagate's case, the October 1 certification filing deadline for high-cost fund support was nearly two months prior to Megagate's designation as an ETC by the MPSC. The September, 2003 deadline for quarterly line count information under Rules 54.307 and 54.802, and associated certification deadline under Rule 54.809(c), fell three months prior to Megagate's ETC designation. And, the December, 2003 deadlines for quarterly line count information under Rules 54.307 and 54.802 were only one and two days, respectively, after Megagate's ETC designation. Consequently, it was impossible for Megagate to meet the certification deadlines and the September quarterly line count filing deadline in order for Megagate to commence receiving support in the first quarter of 2004, and impossible, for all practical purposes, for it to have met the December deadlines

⁵ 47 C.F.R. §54.313(d)(3).

⁶ 47 C.F.R. §54.307(c).

⁷ 47 C.F.R. §§ 54.802(a), 54.809(c).

required for the receipt of support funds in the second quarter of 2004. For the following reasons, Megagate respectfully submits that a waiver of Sections 54.307, 54.313, 54.802(a) and 54.809(c) of the Commission's Rules is warranted.⁸

**III. WAIVER OF SECTIONS 54.313(d)(3), 54.307(c), 54.802(a)
AND 54.809(c) OF THE COMMISSION'S RULES IS WARRANTED AND
CONSISTENT WITH THE PUBLIC INTEREST**

Section 1.3 of the Commission's rules provides the Commission with discretion to waive application of any of its rules upon a showing of good cause. In addition, Section 1.925(b)(3) provides for waiver where it is shown that:

- (i) The underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or
- (ii) In view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.⁹

Megagate respectfully submits that good cause exists to warrant a waiver of sections 54.307(c), 54.313(d)(3), 54.802(a) and 54.809(c) of the Commission's Rules. As explained above, the certification and line count deadlines create an unintended consequence with respect to Megagate by delaying USF support beyond the first quarter of 2004. This result is inconsistent with and frustrates the underlying purposes of the

⁸ Megagate has now submitted to USAC the line count information required to be filed in September and December, 2003. A copy of that line count submission is provided at Attachment B. Megagate also has submitted to the FCC and USAC the certification required by Section 54.809(c). A copy of that filing is included at Attachment C.

⁹ See 47 C.F.R. §1.925(b)(3).

Commission's rules, and is inequitable and unduly burdensome to Megagate. Strict application of the deadlines contained in these rules is inconsistent with the public interest.

Further, while the Commission rules provide a mechanism for "untimely" certifications with respect to high-cost support under Section 54.313, to be made on a quarterly basis (by January 1, April 1 and July 1), under those circumstances a carrier does not become eligible to begin receiving support pursuant to an untimely certification until two quarters following the quarter that the certification is made.¹⁰ The certification process for "untimely" filings was intended to provide some protection to carriers that already receive support, but through their own fault neglect to file a timely October 1 certification. The penalty for neglecting to timely file is the loss of up to six months of support.¹¹ But those rules do not contemplate circumstances where an ETC, like Megagate, receives its ETC designation after the October 1, 2003 filing deadline, and therefore through no fault of its own misses the October 1 deadline. Filings by such ETCs should not be subject to the same ultimately filing penalty applicable to carriers who miss the deadline through their own oversight.

¹⁰ See 47 C.F.R. §54.314(d). In creating the quarterly filing dates, the Rural Task Force Order states, "In the event that a certification is filed untimely, the carriers subject to that certification will not be eligible for support until the quarter for which USAC's subsequent filing is due. For example, if a state files a Section 254(e) certification after October 1, 2001, but on or before January 1, 2002, the carrier would not be eligible for support until the second quarter of 2002." *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Fourteenth Report and Order and Twenty-Second Order on Reconsideration, *Multi-Association Group Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers*, CC Docket No. 00-256, Report and Order, 16 FCC Rcd. 11244, 11319, ¶ 191 (rel. May 23, 2001).

¹¹ For example, if a certification was not filed until January 2, 2002 the carrier would not receive support until the quarter beginning July 1, 2002.

Absent a waiver of the Commission's rules governing the submission of certifications and line count information, Megagate's support will not begin until the third quarter of 2004.¹² The Commission did not intend this result. Since the majority of newly designated ETCs are competitive carriers, this timing problem with the rules unfairly disadvantages new participants in the Universal Service support fund and violates the Commission's well-established universal service policy of competitive neutrality. Furthermore, the Commission has repeatedly recognized that designation of competitive ETCs promotes competition and benefits consumers in rural and high-cost areas.¹³ Forcing competitive ETCs such as Megagate to experience a delay in receipt of universal service support of up to six months *after receiving ETC designation* is not in the public interest and undermines the Commission's commitment to resolve Section 214(e) ETC designations expeditiously.

¹² This is based upon guidance provided by USAC to Megagate's undersigned counsel.

¹³ *Western Wireless Corporation Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming*; Federal-State Joint Board on Universal Service, Memorandum Opinion and Order, CC Docket No. 96-45, 12 FCC Rcd 48 (2000); *Western Wireless Corporation Petition for Designation as an Eligible Telecommunications Carrier for the Pine Ridge Reservation in South Dakota*; Federal-State Joint Board on Universal Service, Memorandum Opinion and Order, CC Docket No. 96-45, FCC 01-283 (rel. October 5, 2001).

IV. CONCLUSION

For the reasons stated herein, Megagate submits that granting a waiver of the filing deadlines set forth in Sections 54.307(c), 54.313(d)(3), 54.802(a) and 54.809(c) of the rules to allow Megagate to receive universal service support beginning with the first quarter of 2004 is appropriate, consistent with the Commission's statutory goal of preserving and advancing universal service, and will advance the public interest.

Respectfully submitted,

MEGAGATE BROADBAND, INC.
f/k/a CELLULAR XL ASSOCIATES, L.P.

By: 
Christine M. Crowe

PAUL, HASTINGS, JANOFSKY
& WALKER, LLP
1299 Pennsylvania Avenue, N.W.
Tenth Floor
Washington, D.C. 20004-2400
(202) 508-9500

Its Attorneys

Dated: March 30, 2004

ATTACHMENT A

Mississippi Public Service Commission

MICHAEL CALLAHAN, CHAIRMAN
HATTIESBURG - SECOND DISTRICT

BO ROBINSON, VICE-CHAIRMAN
HAMILTON - THIRD DISTRICT

NIELSEN COCHRAN, COMMISSIONER
JACKSON - FIRST DISTRICT



BRIAN U. RAY
EXECUTIVE SECRETARY
(601) 981-6400

WILLIE E. MAY, COLONEL
OFFICE OF MOTOR CARRIERS

OSCAR L. MORGAN, MAJOR
OFFICE OF MOTOR CARRIERS

DAVID L. CAMPBELL, ATTORNEY
COMMISSION STAFF

December 29, 2003

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445-12th Street, SW, Room TW-A306
Washington, D.C. 20554

Dear Ms. Dortch:

Pursuant to 47 C.F.R. § 54.201 and 47 U.S.C. § 214(e), to qualify under federal law as a telecommunications carrier eligible for universal funding, carriers must satisfy certain requirements. The Mississippi Public Service Commission ("MPSC") has determined that SprintCom, Inc., Sprint Spectrum, L.P., and WirelessCo., L.P. d/b/a/ Sprint PCS (collectively "Sprint") and Cellular XL Associates, L.P., d/b/a/ Megagate Broadband have met these requirements and have been designated by this Commission as "Eligible Telecommunications Carriers".

Attached is a copy of the Commission's order in Docket No. 2003-UA-0473 and in Docket No. 2003-UA-562.

Enclosed is a stamped addressed envelope and an additional copy of this letter for you to use in forwarding a stamped filed copy of this correspondence. Thank you for your assistance in this matter.

A copy of this letter is also being sent to Irene Flannery, Universal Service Administrative Company.

Sincerely,

Michael Callahan, Chairman

Bo Robinson, Vice-Chairman

Nielsen Cochran, Commissioner

Enclosure

Cc: Irene Flannery

**BEFORE THE
MISSISSIPPI PUBLIC SERVICE COMMISSION**

**APPLICATION OF CELLULAR XL ASSOCIATES, L.P., FOR DESIGNATION AS
AN ELIGIBLE TELECOMMUNICATIONS CARRIER UNDER 47 U.S.C. § 214(e)(2)
IN THE STATE OF MISSISSIPPI**

DOCKET NO. 2003-UA-0473

ORDER

THIS DAY, there came on for consideration by the Mississippi Public Service Commission ("Commission") the Application of Cellular XL Associates, L.P., d/b/a Megagate Broadband ("Megagate") for designation as a carrier eligible for federal universal service support pursuant to Section 214(e) of the Telecommunications Act of 1996 ("TA96"). The Commission, being fully apprised in the premises and having considered the documents, responses of Megagate to discovery requests submitted by the Mississippi Public Utilities Staff ("MPUS"), and the record before it, as authorized by law and upon recommendation of the MPUS, finds as follows, to-wit:

1. On June 18, 2003, Megagate filed with the Commission its Application pursuant to Section 214(e) of the Telecommunications Act of 1996 and Federal Communications Commission ("FCC") Rules 47 C.F.R. §§ 54.201 through 54.207, requesting designation as an Eligible Telecommunications Carrier ("ETC") throughout the non-rural service area defined in Megagate's application, which is the list of BellSouth exchanges in the State of Mississippi (the "designated service area").

2. The Commission has jurisdiction to enter this Order, and entry hereof is in the public interest.
3. Due and proper notice of the Application was given to all interested persons as required by law and the Commission's Public Utilities Rules of Practice and Procedure.
4. BellSouth Telecommunications, Inc. ("BellSouth") intervened and became a party of record in this matter.
5. Megagate is a Delaware limited partnership authorized to do business in the State of Mississippi. Megagate holds a certificate of public convenience and necessity to provide local exchange telecommunications services as a competitive local exchange carrier ("CLEC") in all exchanges of BellSouth Telecommunications, Inc. ("BellSouth"), in the State of Mississippi.
6. Pursuant to 47 U.S.C. § 214(e) and FCC Rule 47 C.F.R. § 54.201, to qualify under federal law as a telecommunications carrier eligible for universal service funding, carriers must satisfy certain requirements or qualify for a waiver of those requirements. An ETC must offer the following services:
 - a. Voice grade access to the public switched network;
 - b. Access to free of charge "local usage" defined as an amount of minutes of use of exchange service;
 - c. Dual tone multi-frequency signaling or its functional equivalent;
 - d. Single-party service or its functional equivalent;
 - e. Access to emergency services;
 - f. Access to operator services;
 - g. Access to directory assistance;

h Access to interexchange services;

i. Toll limitations services for qualifying low-income customers.

7. Qualified ETCs must offer these services either using their own facilities or a combination of their own facilities and the resale of services of another facilities-based carrier. Megagate satisfies these requirements and shall continue to comply with each of these provisions regarding service provision and offerings.

8. Further, ETCs must advertise the availability of, and the prevailing prices for, the universal services throughout the area in which they have been designated as an ETC. Megagate will implement a program to advertise the availability of the above-referenced services and related charges using media of general distribution in its certificated service area as required by Section 254(e)(1)(B) of TA96 and Section 54.201(d)(2) of the FCC's Rules.

9. The Commission finds that Megagate is capable of providing the services required for ETC designation and is capable of providing such services with an adequate degree of quality.

10. The Commission finds that Megagate has committed to serve all subscribers upon request in its designated service area. Megagate has committed to provide service either through its own facilities or a combination of its own facilities and resale.

11. Megagate has not requested ETC designation for the exchanges of small rural carriers (independent telephone companies).

12. The Commission finds that an ETC designation to Megagate can at a future time be modified or changed by subsequent Order of this Commission.

13. The Commission finds that ETC designation cannot be granted solely based on resale. Therefore, the Commission finds that Megagate shall provide service either through its own facilities or a combination of its own facilities and resale to all subscribers upon request in its designated service area.

14. Megagate shall also offer Lifeline and Linkup services pursuant to Megagate's Lifeline and Linkup tariffs which were filed with this Commission on November 12, 2003, in this Docket.

15. The Commission, having jurisdiction of the parties and the subject matter, and having considered Megagate's Application and the evidence in support thereof, finds that Megagate is entitled to be granted designation as an eligible telecommunications carrier throughout its designated service area in Mississippi based on timely complying with all conditions expressed in this Order.

IT IS, THEREFORE, ORDERED:

1. Megagate is designated an Eligible Telecommunications Carrier throughout the non-rural service area defined in Megagate's application, which includes the list of BellSouth exchanges in the State of Mississippi. Megagate shall provide service either through its own facilities or a combination of its own facilities and resale to all subscribers upon request in its designated service area.

2. This Commission retains continuing jurisdiction to review, modify, or revoke its designation of Megagate as an ETC. Megagate is conditionally designated an Eligible Telecommunications Carrier throughout the geographical service area served by non-rural carriers as described in Docket 97-AD-552. This ETC designation is for federal universal service

funds, and is based on federal rules and guidelines as they exist today. Likewise, should the Universal Service Administrative Company or any other agency revise contribution or disbursement requirements that would directly impact the State of Mississippi and its consumers, the Commission retains its jurisdiction to review, modify and/or revoke its designation of Megagate as an ETC. Additionally, should any information supplied by Megagate in this docket be inaccurate, the designation of Megagate as an ETC may be revoked.

3. The entire file of the Commission, as well as all responses to all discovery requests of the MPUS, are specially made a part of the record in this matter.

4. This Order is effective as of the date hereof.

SO ORDERED, this the 29th day of December, 2003.

Chairman Michael Callahan voted Aye; Vice Chairman Bo Robinson voted Aye;

Commissioner Nielsen Cochran voted Aye.

MISSISSIPPI PUBLIC SERVICE COMMISSION



Michael Callahan
MICHAEL CALLAHAN, Chairman

Bo Robinson
BO ROBINSON, Vice Chairman

Nielsen Cochran
NIELSEN COCHRAN, Commissioner

ATTEST: A TRUE COPY

Brian U. Ray
BRIAN U. RAY, Executive Secretary

ATTACHMENT B

Atlanta
Beijing
Hong Kong
London
Los Angeles
New York
Orange County
San Francisco
Stamford
Tokyo
Washington, D.C.

(202) 508-9562
christinecrowe@paulhastings.com

March 30, 2004

25257.00002

VIA FACSIMILE (866) 873-4666
AND VIA FEDERAL EXPRESS

Universal Service Administrative Company
444 Hoes Lane
Piscataway, NJ 08854

Re: Megagate Broadband, Inc. f/k/a Cellular XL Associates, L.P.
Submission of September, 2003 and December, 2003 Quarterly Line Count
Information for High Cost and Interstate Access Support Funds

On behalf of Megagate Broadband, Inc., formerly known as Cellular XL Associates, L.P. ("Megagate"), and subject to the waiver request being filed with the FCC simultaneously (as further described below), attached please find the following quarterly line count information:

- (1) High Cost Loop, Local Switching Support and Long Term Support Line Count information due as of September, 2003;
- (2) High Cost Loop, Local Switching Support and Long Term Support Line Count information due as of December, 2003;
- (3) Interstate Access Support Line Count information due as of September, 2003; and
- (4) Interstate Access Support Line Count information due as of December, 2003.

Megagate is a competitive local exchange carrier ("CLEC") that provides service within the state of Mississippi. Megagate was designated by the Mississippi Public Service Commission as an Eligible Telecommunications Carrier ("ETC") on December 29, 2003 with respect to the non-rural portions of BellSouth's service area within the state. Due to the timing of its ETC designation, Megagate did not timely file High Cost or Interstate Access line count information in September and December, 2003 as required by Sections 54.307(c) or 54.802(a) of the FCC's rules. Megagate is hereby submitting this line count information at this time, and is simultaneously submitting to the FCC a Petition for Waiver of those portions of the FCC's rules establishing deadlines for the submission of the attached line count information. In addition, Megagate is submitting today the Interstate Access Support self-certification required by Section 54.809(c) of the FCC rules with both the FCC's Secretary's office and USAC's Washington, DC office.

Universal Service Administrative Company
March 30, 2004
Page 2

Megagate does not yet have a Study Area Code ("SAC") assigned to it. Pursuant to verbal advice from USAC staff, Megagate is hereby requesting that USAC assign to Megagate an SAC. Megagate will include such SAC in future filings with USAC.

Please do not hesitate to contact the undersigned should you have any questions in this regard.

Very truly yours,

A handwritten signature in cursive script, reading "Christine M. Crowe".

Christine M. Crowe
for PAUL, HASTINGS, JANOFSKY & WALKER LLP

**High Cost Loop, Local Switching Support and Long Term Support
Line Count--By BST Wire Center
September 2003 Report**

Date: September 30, 2003

CETC Name: Megagate Broadband Inc (formerly Cellular XL Associates, L.P.)

CETC Study Area Code (SAC):

Contact Name: David Abel

Contact Telephone Number: 601.450.5000

Lines Reported As Of: March 31, 2003

Areas are Eligible for Support:

[illegible]

High Cost Loop, Local Switching Support and Long Term Support
Line Count--By BST Wire Center
December 2003 Report

Date:

December 31, 2003

CETC Name: Megagate Broadband Inc (formerly Cellular XL Associates, L.P.)

CETC Study Area Code (SAC):

David Abel

Contact Telephone Number:

Lines Reported As Of:

Areas are Eligible for Support:

[illegible]

Interstate Access Support Line Count September 2003 Report

Date: September 30, 2003

CETC Name: Megagate Broadband Inc.(formerly Cellular XL Associates, L.P.)

CETC Study Area Code (SAC):

Contact Name: David Abel

Contact Telephone Number: 601.450.5000

Lines Reported As Of: March 31, 2003

Areas are Eligible for Support:

[illegible]

Interstate Access Support Line Count December 2003 Report

Date: December 31, 2003

CETC Name: Megagate Broadband Inc. (formerly Cellular XL Associates, L.P.)

CETC Study Area Code (SAC):

Contact Name: David Abel

Contact Telephone Number: 601.450.5000

Lines Reported As Of: June 30, 2003

Areas are Eligible for Support/Ineligible for Support (select one):

[illegible]

ATTACHMENT C

Atlanta
Beijing
Hong Kong
London
Los Angeles
New York
Orange County
San Francisco
Stamford
Tokyo
Washington, D.C.

(202) 508-9562
christinecrowe@paulhastings.com

March 30, 2004

25257.00002

VIA MESSENGER

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, D.C. 20554

Irene M. Flannery Vice President - High Cost and Low Income Division
Universal Service Administrative Company
2000 L Street, NW; Suite 200
Washington, D.C. 20036

Re: Megagate Broadband, Inc. f/k/a Cellular XL Associates, L.P.
Submission of Annual Certification Filing for Interstate Access Support

On behalf of Megagate Broadband, Inc., formerly known as Cellular XL Associates, L.P. ("Megagate"), attached please find its annual certification with respect to Interstate Access Support ("IAS").

Megagate is a competitive local exchange carrier ("CLEC") that provides service within the state of Mississippi. Megagate was designated by the Mississippi Public Service Commission as an Eligible Telecommunications Carrier ("ETC") on December 29, 2003 with respect to the non-rural portions of BellSouth's service area within the state. Due to the timing of its ETC designation, Megagate did not timely file the line count information with respect to the High Cost or IAS funds in September or December, 2003 as required by Sections 54.307(c) or 54.802(a) of the FCC's rules, or the IAS certification as required by Section 54.809(c) of the FCC's rules. Megagate is filing with the FCC today a Petition for Waiver of those portions of the FCC's rules that establish deadlines for the submission of line count information and IAS certifications. Under separate cover, Megagate submitted to USAC today its September and December, 2003 line count information.

Megagate does not yet have a Study Area Code ("SAC") assigned to it. Pursuant to verbal advice from USAC staff, Megagate has requested in its submission of line count information that USAC assign to Megagate an SAC. Megagate will include such SAC in future filings with USAC.

Marlene H. Dortch
Irene M. Flannery
March 30, 2004
Page 2

Please do not hesitate to contact the undersigned should you have any questions in this regard.

Very truly yours,

A handwritten signature in cursive script, reading "Christine M. Crowe". The signature is fluid and elegant, with a large initial "C" and a long, sweeping underline.

Christine M. Crowe
for PAUL, HASTINGS, JANOFSKY & WALKER LLP



**Intestate Access Support (IAS)
2003**

Date March 29, 2004

To: Marlene H. Dortch
Office of Secretary
Federal Communications Commission
445 - 12th Street, SW
Washington, DC 20554

Irene M. Flannery
Vice President - High Cost and Low Income Division
Universal Service Administrative Company
2000 L Street, NW, Suite 200
Washington, DC 20036

Re: CC Docket No. 96-45
Interstate Access Support - IAS
Annual Certification Filing

This is to certify that Megagate Broadband Inc (formerly Cellular XL Associates, L.P.) will use its **Universal Service INTERSTATE ACCESS SUPPORT - IAS** only for the provision, maintenance and upgrading of facilities and services for which the support is intended.

I am authorized to make this certification on behalf of the company named above. This certification is for the study area(s) listed below. **(Please enter your Company Name, State and Study Area Code)**

Company Name	State	Study Area Code
Megagate Broadband Inc	MS	

(If necessary, attach a separate list of additional study areas and check this box.)

Signed,


[Signature of Authorized Representative]

Date: 03/29/2004

KEVIN B. PACK
[Printed Name of Authorized Representative]

CHIEF FINANCIAL OFFICER
[Title of Authorized Representative]

Megagate Broadband Inc (formerly Cellular XL Associates, L.P.)
6184 U.S. Highway 98
Hattiesburg, MS 39402
(601) 450-2000